

By: Martinez Fischer

H.B. No. 995

A BILL TO BE ENTITLED

AN ACT

relating to civil and criminal consequences of riding on a coasting motor vehicle without an operator; providing penalties.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Subchapter I, Chapter 545, Transportation Code, is amended by adding Section 545.4065 to read as follows:

Sec. 545.4065. RIDING ON COASTING MOTOR VEHICLE WITHOUT AN OPERATOR; OFFENSE. (a) A person may not ride on the exterior of a motor vehicle that:

(1) is coasting with the gears or transmission of the vehicle in neutral; and

(2) does not have a person seated behind the steering wheel operating the vehicle.

(b) A person who violates Subsection (a) commits an offense. Except as provided by Subsections (c)-(f), an offense under this subsection is a Class B misdemeanor.

(c) An offense under Subsection (b) is a Class A misdemeanor if it is shown on the trial of the offense that:

(1) the person has previously been convicted one time of an offense under that subsection; or

(2) the person, at the time of the offense:

(A) was operating the vehicle while intoxicated, as defined by Section 49.01, Penal Code; or

(B) was in possession of an open container, as

1 defined by Section 49.031, Penal Code.

2 (d) An offense under Subsection (b) is a state jail felony
3 if it is shown on the trial of the offense that the person has
4 previously been convicted two times of an offense under that
5 subsection.

6 (e) An offense under Subsection (b) is a felony of the third
7 degree if it is shown on the trial of the offense that as a result of
8 the offense, an individual suffered bodily injury.

9 (f) An offense under Subsection (b) is a felony of the
10 second degree if it is shown on the trial of the offense that as a
11 result of the offense, an individual suffered serious bodily injury
12 or death.

13 SECTION 2. Subchapter O, Chapter 521, Transportation Code,
14 is amended by adding Section 521.352 to read as follows:

15 Sec. 521.352. SUSPENSION FOR OFFENSE RELATING TO RIDING ON
16 COASTING MOTOR VEHICLE WITHOUT AN OPERATOR. (a) A license is
17 automatically suspended on conviction of an offense under Section
18 545.4065(b).

19 (b) A suspension under this section is for one year, except
20 as provided by this section.

21 (c) A person whose license is suspended under Subsection (a)
22 remains eligible to receive an occupational license under
23 Subchapter L, except that an occupational license issued to a
24 person younger than 18 years of age whose license is suspended under
25 this section may permit the operation of a motor vehicle only for
26 transportation to and from an educational facility in which the
27 person is enrolled and the place where the person resides.

1 (d) A person whose license is suspended under Subsection (a)
2 shall be required by the court in which the person was convicted to
3 successfully complete, before the first anniversary of the date of
4 conviction, an educational program, approved by the Texas Education
5 Agency under rules adopted by that agency and the department, that
6 is designed to educate persons on the dangers of riding on a
7 coasting motor vehicle without an operator. If the person is a
8 resident of this state without a driver's license to operate a motor
9 vehicle, the court shall issue an order prohibiting the department
10 from issuing the person a driver's license before the person
11 successfully completes such an educational program.

12 (e) The Texas Education Agency and department shall jointly
13 adopt rules for the qualification and approval of providers of
14 educational programs under Subsection (d). The Texas Education
15 Agency shall publish the jointly adopted rules. To be approved, an
16 educational program must include a minimum of 100 hours of formal
17 classroom instruction and focus on the dangers of riding on a
18 coasting motor vehicle without an operator.

19 (f) If a person required to attend an educational program
20 completes the program before the end of the person's license
21 suspension, the person may apply to the department for
22 reinstatement of the person's license or the issuance of a new
23 license. The application must include proof satisfactory to the
24 department that the person has successfully completed the program.

25 (g) If a person whose license is suspended under this
26 section is subsequently convicted of an offense under Section
27 521.457(a) during the period of license suspension, in addition to

1 the penalties provided by Section 521.457, the department shall
2 revoke the person's license until the first anniversary of the date
3 of conviction and may not reinstate the person's license or issue
4 the person a new license before that date.

5 SECTION 3. This Act takes effect September 1, 2007.